

REMARKS

Claims 1-20 were pending in the Application. Applicants cancelled claims 1-3, 7 and 17 without prejudice or disclaimer. Hence, claims 4-6, 8-16 and 18-20 are pending. Applicants reserve the right to file a continuation patent application to capture the subject matter of cancelled claims 1-3, 7 and 17.

Claims 7 and 17 are rejected claims 35 U.S.C. §112, second paragraph. Further, claims 1-3 and 7 are rejected under 35 U.S.C. §102(e). Applicants cancelled claims 1-3, 7 and 17, and hence these rejections are moot. Applicants note that claims 1-3, 7 and 17 were cancelled only to expedite issuance of a patent and not in response to these claim rejections.

Claims 8-16 and 18-20 are allowed. Further, claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants amended claim 4 to be rewritten in independent form including all of the limitations of the base claim. Hence, claims 4-6, 8-16 and 18-20 are in condition for allowance. Applicants kindly request the Examiner to issue a notice of allowance allowing claims 4-6, 8-16 and 18-20.

As stated above, Applicants amended claim 4 to be rewritten in independent form and not to overcome prior art. Hence, no prosecution history estoppel arises from the amendment to claim 4. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendment made to claim 4 was not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such an amendment. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

As a result of the foregoing, it is asserted by Applicants that claims 4-6, 8-16 and 18-20 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that

the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

WINSTEAD P.C.

Attorneys for Applicants

By: 

Robert A. Voigt, Jr.
Reg. No. 47,159

P.O. Box 50784
Dallas, TX 75201
(512) 370-2832

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